

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PATRICIA BELL WATKINS,

Petitioner,

v.

STATE OF WASHINGTON

Respondent.

Case No. C06-5141FDB

ORDER TO SHOW CAUSE

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 1 and 2). Originally petitioner only named the state of Washington as a respondent. (Dkt. # 1 and 2). Petitioner is challenging a driving under the influence, DUI, conviction but did not indicate in the petition or the amended petition what sentence was imposed. (Dkt. # 1 and 2).

The court entered an order to amend the caption or file an amended petition as only the state had been named as a respondent. (Dkt. # 4). Petitioner responded and states she is not currently incarcerated and she seeks to challenge a "future sentence", presumably for the aforementioned DUI

ORDER

1 conviction. (Dkt. # 5). Again, petitioner fails to inform the court what sentence was imposed, or if  
2 sentencing has actually occurred. Petitioner does indicate her appeals have been denied in state  
3 court. (Dkt. # 5).

4 A petition for habeas corpus must be filed by a person who is in custody at the time of filing.  
5 28 U.S.C. § 2241 (c), § 2254 (a), § 2255. Although a petitioner may challenge a future consecutive  
6 sentence while in custody, there is no indication that petitioner is addressing a consecutive sentence.  
7 Petitioner in this case does not appear to meet the in custody requirement for filing a habeas corpus  
8 petition. Accordingly, Petitioner is **ORDERED TO SHOW CAUSE** why this petition should not  
9 be dismissed.

10 In responding to this order petitioner will inform the court of her current custodial status and  
11 what “future sentence” she is challenging, specifically identify the sanction or future jail term that is  
12 at issue. Petitioner will have until **June 24<sup>th</sup>, 2006** to comply with this order and if no response is  
13 filed or if the response is inadequate the court will recommend dismissal of this action.

14 The clerk is ordered to send copies of this order to the petitioner and to note this matter for  
15 the courts **June 24<sup>th</sup>, 2006** calendar.

16  
17 DATED this 23<sup>rd</sup> day of May, 2006.

18  
19 /S/ J. Kelley Arnold  
20 J. Kelley Arnold  
21 United States Magistrate Judge  
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ORDER